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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/682,558

09/19/2001

Matthew E. Reno

Reno

7157

7590

11/14/2003

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EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 11/14/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/682,558

Applicant(s)

RENO, MATTHEW E.

Examiner

Thomas E Denion

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This office action is in response to the request for reconsideration filed 8/15/03. In that response applicant asserted that the invention is operative and in support thereof submitted a video tape of the device in operation. The tape has been carefully considered and made of record in the instant application. It is noted that applicant has merely measured the voltage at various points of the system and then concluded that the device is operative. Voltage is not the only component to consider when looking at energy conversion, specifically, at each input and output of every component, e.g. battery, motor(s), generator, and input to the battery; voltage and current need to be measured. In a telephone conversation with the inventor, the undersigned was informed that the device was currently being looked at by an independent testing facility yet the results thereof were not yet available. The earlier rejection is maintained, however, this office action is being made non-final thus giving applicant more time to due further testing. It is noted that applicant may have discovered an efficient energy conversion device, however, under no circumstances would this office issue a patent for a perpetual motion machine.

Claims 4, 12-17, are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

As admitted by Applicant during a discussion noted above, and after carefully reviewing the specification, especially on page 3, lines 20-24, page 4, lines 11-25, page 5, lines 20-25, page 6, lines 4-15, it's concluded that this invention is inoperative. Applicant seems to disclose that his invention is able to work and generate more power output than the power input without the help of any auxiliary energy source such as solar energy, windmill. etc.. This concept is clearly inoperative and impossible to achieve, and well known as a "perpetual motion device". This concept violates the second law of thermodynamic for creating more energy than it receives.

All other rejections and comments in the previous Office Action are repeated herein.

It's noted that during many informal discussions about this application, Applicant explained to the Examiner that there are many differences between his invention and the applied references. After receiving this Office Action, Applicant is advised to write an explanation in detail what parts of his invention are not new and unobvious in comparison with the applied references. Please make sure Applicant points out all the critical differences and explains why he thinks those differences are new and unobvious. After reviewing Applicant's response, and if the Examiner agrees with Applicant, the Examiner will try his best to write allowable claims for Applicant. Also, Applicant is invited to call the Examiner anytime during the prosecution of this application if he needs more advise.

Newly added claims 12-17 are not allowable over the prior art of record. A new ground of rejection has been made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-17, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4718233 (Barrett).

Barrett discloses an electricity generating method comprising a solar panels 10 acting as a power source which is mounted on top of a house (lines 62-64, column 2) to a power storage base (batteries 24); a portion of the power from said batteries are driving an electric motor 22, the output of said motor (second power portion) is clearly driving a generator 56 for generating

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electricity then the electricity is stored inside a battery 24 (third power portion), or to an electrical service utility company (fourth power portion) (lines 37-41, column 2). Regarding claim 14, coupling 28, shaft 31..etc... can be considered as transmission means. Regarding claim 15, Barrett clearly shows that more than one battery 24 is used. Regarding claim 16, figure 1 of Barrett indicates an AC generator 56. Regarding claim 17, Barrett discloses a solar panels 10.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4718233 (Barrett) in view of U.S. 5853215 (Lowery) and U.S. 6311487 (Ferch).. Barrett discloses all the claimed subject matter as set forth above in the rejection of claim 9, but does not disclose a breaker box, and the belts. Lowery is relied upon to disclose that it's well known to have a breaker box 74 with other power generating devices. Ferch is relied upon to disclose that it's well known to use belts 126 for transmitting power between an electric motor 120 and a generator 128. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a breaker box in the house of Barrett as taught by Lowery for the purpose of controlling the electrical signals and loads in the house, and to use belts for transmitting power between the electric motor and the generator of Barrett as taught by Ferch for the purpose of being able to locate the generator far away from the motor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-3477. The examiner can normally be reached on Monday--Thursday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (703)-308-2623. The fax phone number for the Examiner is (703) 746-4559.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.


Thomas E. Denion
Primary Examiner